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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff, Counter-defendant,

v.

APPLE INC.,

Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER APPOINTING SPECIAL MASTERS**

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

Pursuant to Civil Local Rule 7-12 and Judge Gonzalez Rogers' Order of December 11, 2024 (ECF No. 1070), Plaintiff and Counter-defendant Epic Games, Inc. ("Epic") and Defendant and Counterclaimant Apple Inc. ("Apple") (collectively, the "Parties"), by and through their respective counsel, hereby stipulate as follows:

WHEREAS, the Court has ordered the appointment of Special Masters to assist the Parties with a re-review of certain privilege assertions made by Apple (ECF No. 1070);

WHEREAS, the Parties have met and conferred and have agreed, subject to Court approval, to the appointment of the Honorable Wayne Brazil (Ret.) and the Honorable Philip Gutierrez (Ret.) as Special Masters in this case;

WHEREAS, the Parties expect to propose a third Special Master candidate to the Court promptly;

THEREFORE, IT IS STIPULATED AND AGREED that:

1. The Honorable Wayne Brazil (Ret.) and the Honorable Philip Gutierrez (Ret.) shall each cause to be filed a declaration under 28 U.S.C. § 455 confirming that there are no grounds for disqualification.

2. Effective upon the filing of the declarations set forth in paragraph 1, the Honorable Wayne Brazil (Ret.) and the Honorable Philip Gutierrez (Ret.) are each appointed pursuant to Federal Rule of Civil Procedure 53 as Special Masters to assist the Parties with all reasonable diligence with the privilege re-review process described in ECF No. 1068, pursuant to a protocol to be worked out with the Special Masters.

3. Each Special Master's hourly fee shall be his standard hourly rate at Judicial Arbitration and Mediation Services (JAMS) for this type of work, to be divided equally between the Parties.

1 Dated: December 12, 2024

Respectfully submitted,

2 By: /s/ Yonatan Even

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Dated: December 12, 2024

Respectfully submitted,

By: /s/ Mark A. Perry

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Attorneys for Defendant and Counterclaimant
APPLE INC.

1 **PURSUANT TO THE FOREGOING STIPULATION AND GOOD CAUSE APPEARING,**
2 **IT IS SO ORDERED.**

3 Dated: December 13, 2024

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HON. YVONNE GONZALEZ ROGERS

E-FILING ATTESTATION

I, Yonatan Even, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Yonatan Even
Yonatan Even